

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**VARTAURSE CARNELOUS PENNS, #440460**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 1:21-cv-371-TBM-RPM**

**HARRISON COUNTY JAIL, et al.**

**DEFENDANTS**

**ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

This matter is before the Court on Plaintiff's Motion for Summary Judgment [12]. “[S]ummary judgment is proper ‘if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.’” *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 106 S. Ct. 2548, 91 L.Ed.2d 265 (1986) (citing Fed. R. Civ. P. 56(c)). Because this civil action is currently being screened as required by 28 U.S.C. § 1915A, and the Defendants have not been served with process, the Court finds that Plaintiff's request for summary judgment is premature and not proper, and therefore, Plaintiff's Motion [12] should be denied.

Accordingly, it is ORDERED AND ADJUDGED that Plaintiff's Motion for Summary Judgment [12] is DENIED WITHOUT PREJUDICE.

THIS, the 13th day of December, 2021.

  

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**TAYLOR B. MCNEEL**  
**UNITED STATES DISTRICT JUDGE**